

EMERGENCY

City of Cincinnati

PMK *Mike
Don*

An Ordinance No. 446

- 2007

AMENDING Ordinance No. 182-2007 [Community Reinvestment Area - Leadership in Energy and Environmental Design ("LEED")], to more clearly define the eligibility requirements and the nature and length of real property tax exemptions of the assessed property value of newly constructed or rehabilitated industrial, commercial or residential properties, if the property is constructed or rehabilitated to LEED Certified, Silver, Gold or Platinum standards, as defined and certified by the U.S. Green Building Council.

WHEREAS, Ordinance No. 182-2007 [Community Reinvestment Area - Leadership in Energy and Environmental Design ("LEED")], passed by Cincinnati City Council on May 16, 2007, provided for an automatic 100% real property tax exemption, for the maximum number of years allowable by law, of the assessed property value of newly constructed or rehabilitated commercial or residential properties, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70, if the property is constructed or rehabilitated to LEED Certified, Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council; and

WHEREAS, LEED standards, as defined by the U.S. Green Building Council, is a system to measure the environmental friendliness of building construction; and, the program has four levels; certified, silver, gold and platinum; and, the U.S. Green Building Council certifies architects competent to design to LEED standards; and

WHEREAS, Cincinnati City Council wishes to amend the provisions of Ordinance No. 182-2007 in order to more clearly define the eligibility requirements and the nature and length of real property tax exemptions, of the assessed property value of newly constructed or rehabilitated industrial, commercial or residential properties, if the property is constructed or rehabilitated to LEED Certified, Silver, Gold or Platinum standards, as defined and certified by the U.S. Green Building Council; and, all other terms and conditions of Ordinance No. 182-2007 shall remain in full force and effect; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That City Council hereby amends Ordinance No. 182-2007 [Community Reinvestment Area - Leadership in Energy and Environmental Design ("LEED")], passed on May 16, 2007, to more clearly define the eligibility requirements and the nature and length of real property tax exemptions, of the assessed property value of newly constructed or rehabilitated industrial, commercial or residential properties, if the property is constructed or rehabilitated to LEED Certified, Silver, Gold or Platinum standards, as defined by and certified by the U.S. Green Building Council.

Section 2. That, notwithstanding the provisions of Ordinance No. 182-2007, eligible LEED certified remodeled or newly constructed residential, commercial or industrial properties shall be granted real property tax exemptions of up to 100 percent, and not be subject to gap financing analysis, only if the properties are constructed or rehabilitated to Leadership in Energy and Environmental Design ("LEED") Certified, Silver, Gold or Platinum standards, as defined by and certified by the U.S. Green Building Council;

and, providing that:

- (a) The maximum real property tax exemption period for newly constructed residential properties shall be 15-years;
- (b) The maximum real property tax exemption period for newly constructed industrial or commercial properties shall be 15-years;
- (c) The maximum real property tax exemption period for remodeled industrial or commercial properties, or multi-unit residential apartment properties containing 4-units or more, shall be 12-years; and,
- (d) The maximum real property tax exemption period for remodeled 1-3 family residential properties, including residential condominiums, shall be 10-years.

and, providing that:

- (a) A completed application has been submitted to the City Department of Community Development and Planning;
- (b) LEED-certified 1-3 family residential properties, including residential condominiums, shall require no written agreement; and,
- (c) LEED-certified industrial or commercial properties, or multi-unit residential apartment properties containing 4-units or more, shall require a written exemption agreement, in a form provided by the City, approved by ordinance of Cincinnati City Council, and signed by the city manager prior to the beginning of construction and, as provided in Ohio Revised Code Section 3735.671, specifying the period of exemption and the exemption percentage, subject to the limitations stated in Ohio Revised Code Section 3735.671(A);

and, providing that all other terms and conditions of Ordinance No. 182-2007 shall remain in full force and effect.

Section 3. That exemptions provided by Ordinance No. 182-2007 and this amending ordinance, may not be granted unless and until the director of the Ohio Department of Development confirms in writing the conditions and findings set forth in Sections 1 and 2 hereof.

Section 4. That the proper City officials are hereby authorized to do all things necessary to carry out the intent of Sections 1 and 2 hereof as more specifically described in Exhibit A attached hereto and by this reference made a part hereof.

Section 5. That the City Manager is authorized and directed to file with the director of the Ohio Department of Development, the Ohio Community Reinvestment Area Program Petition for Confirmation not later than 15 days after the effective date of this ordinance.

Section 6. That the Clerk of Council is directed to send a certified copy of this ordinance to the County Auditor of Hamilton County as a matter of information.

Section 7. That the Clerk of Council is directed to publish this ordinance in the City Bulletin once a week for two consecutive weeks immediately following its adoption.

Section 8. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for said emergency is the immediate need to institute incentives to encourage the implementation of a system that measures the environmental friendliness of building construction.

Passed December 12, 2007

Attest:

Melissa Aubrey
Clerk

[Signature]
Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 0446-2007
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-25-07

Melissa Aubrey
CLERK OF COUNCIL